

## **REMARKS**

In an Office Action mailed January 11, 2010, claims 1-14 and 18-20 were rejected.

Herein, pending claims 1, 2, 4-14, and 18-20 are currently amended, and new claim 24 has been added. Applicants note that new claim 24 is directed to the elected invention. Applicants respectfully submit that no new matter has been added. Additionally, claim 4 and withdrawn claims 15-17 and 21-23 have been cancelled without prejudice or disclaimer to the subject matter therein. Applicants respectfully request reconsideration and further examination of the present application in view of the following remarks.

The specification has been amended to correct a typographical error. Applicants respectfully submit that no new matter has been added.

### **I. Claim Rejections under 35 U.S.C. 101**

Claim 18 was rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. In particular, the Examiner states that while claim 18 recites a series of steps or acts to be performed, claim 18 neither transforms an article nor is positively tied to a particular machine that accomplishes the claimed method steps. Applicants note that claim 18 has been amended to recite the feature of “setting, using a processor, a target degree of the color processing.” Applicants respectfully submit that amended claim 18 is clearly tied to one of the four statutory categories of invention. Accordingly, Applicants respectfully request the rejection of claim 18 under 35 U.S.C. 101 be withdrawn in light of the amendment to claim 18.

Claim 19 was rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. In particular, the Examiner states that claim 19 is directed to an image processing program embodying function descriptive material. Applicants note that claim 19 has been amended such that claim 19 is directed to a non-transitory computer readable storage medium having stored thereon an image processing program. As such, Applicants respectfully submit that amended 19 is directed to statutory subject matter. Accordingly, Applicants respectfully request the rejection of claim 19 under 35 U.S.C. 101 be withdrawn in light of the amendment to claim 19.

## **II. Claim Rejections under 35 U.S.C. 112**

Claims 1-14 and 20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that claims 1-14 and 20 use the phrases “operable to” or “for” which merely specifies a possible state of a particular unit, and such phrases do not necessarily or sufficiently specify a condition for said unit to perform a particular function. Applicants note that claims 1-3, 5-14, and 20 are pending, and that claim 4 has been cancelled. Applicants respectfully request reconsideration of the above rejection in view of the following.

Applicants note that the claims have been amended where necessary to replace the phrases “operable to” or “for” with a particular function. For example, claim 1 has been amended such that the phrase “processing degree setting unit operable to set a target degree of color processing” has been replaced with --processing degree setting unit that sets a target degree of color processing--. Applicants note similar changes have been made throughout the claims. Accordingly, Applicants respectfully request that the rejection of claims 1-3, 5-14, and 20 under 35 U.S.C. 112, second paragraph, be withdrawn in light of the amendments to the claims.

## **III. Claim Rejections under 35 U.S.C. 102(b)**

Claims 1, 2, 4-14, and 18-20 were rejected under 35 U.S.C. 102(b) as being anticipated by Torigoe et al. (US 2003/0202194, hereafter “Torigoe”). Applicants note that claims 1, 2, 5-14, and 18-20 are pending, and claim 4 has been cancelled, the subject matter of which has been incorporated into claims 1 and 18-20. Applicants respectfully request reconsideration of the above rejection based on the following.

Amended claim 1 recites that a plurality of base coefficient groups do not change with respect to an image signal, and that the plurality of base coefficient groups have conversion characteristics such that a point in a color space according to the image signal after memory color correction is in a predetermined region in the color space. Applicants respectfully submit

that the above-noted features of amended claim 1 are not disclosed, suggested, or otherwise rendered obvious by Torigoe based on the following.

Torigoe is directed to technique for color conversion based upon regional preferences ([0001]). In particular, Torigoe discloses storing output profiles corresponding to different regional preferences (e.g., an American profile, an Asian profile, or a European profile) ([0065]). The stored output files are presented to a user via a graphical user interface thereby allowing the user to select a composition preference based on selection by an output profile composing unit ([0067]-[0071], FIG.3). For example, FIG. 3 of Torigoe illustrates a user interface consisting of a triangle with each apex corresponding to one of the stored output files (i.e., apex 301 corresponds to Asia, apex 302 corresponds to America, and apex 303 corresponds to Europe), in which the user manipulates a cursor to set a preference composition based on the location of the cursor within the interior of the triangle ([0070]-[0080]).

Thus, in Torigoe, the composition preference is a combination of regions within a color space resulting in an image processing based upon a composition ratio of the combination of predetermined regions input from user via the cursor. In other words, in Torigoe, the region within the color space from which the user selects changes based upon the combination of regions determined by the output profile composing unit. Accordingly, Torigoe fails to prevent inappropriate image processing by a user based on the ability of a user to select from a combination of regions within a color space without limitation.

In contrast to Torigoe, the presently claimed invention performs memory color correction such that a point within a color space is converted to a point within a predetermined region, (i.e., not a combination of regions determined by an output profile composing unit) in the color space in response to a user manipulation of an adjustment scale, thereby preventing inappropriate memory color correction from being performed by the user.

In particular, amended claim 1 recites the feature that a plurality of base coefficient groups do not change with respect to an image signal, and that the plurality of base coefficient

groups have conversion characteristics such that a point in a color space according to the image signal after memory color correction is in a predetermined region in the color space.

In view of the above, Applicants respectfully submit that Torigoe fails to disclose, suggest, or otherwise render obvious that a plurality of base coefficient groups do not change with respect to an image signal, and that the plurality of base coefficient groups have conversion characteristics such that a point in a color space according to the image signal after memory color correction is in a predetermined region in the color space, as recited by amended claim 1.

Therefore, Applicants respectfully submit that claim 1 is patentable over Torigoe.

Further, Applicants respectfully submit that claims 2 and 5-14 are patentable over Torigoe based at least on their dependency from claim 1.

Regarding claims 18-20, Applicants note that claims 18-20 have been amended in a similar manner as claim 1. In particular, amended claims 18-20 recite that a plurality of base coefficient groups do not change with respect to an image signal, and that the plurality of base coefficient groups have conversion characteristics such that a point in a color space according to the image signal after memory color correction is in a predetermined region in the color space. Applicants respectfully submit that Torigoe fails to disclose the above-noted features of amended claims 18-20 for reasons similar to those discussed above with respect to amended claim 1. Accordingly, Applicants respectfully submit that amended claims 18-20 are patentable over Torigoe.

Regarding new claim 24, Applicants note that claim 24 depends from amended claim 1. Therefore, Applicants respectfully submit that claim 24 is patentable over the prior art of record based at least on its dependency from amended claim 1.

#### **IV. Claim Rejections under 35 U.S.C. 103(a)**

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Torigoe in view of Fujino (US 2004/0227964). Applicants respectfully submit that Fujino fails to provide

disclosure that would obviate the above-mentioned deficiencies of Torigoe. Additionally, Applicants note that claim 3 depends from amended claim 1. Accordingly, Applicants respectfully submit that claim 3 is patentable over any combination of Torigoe and Fujino based at least on its dependency from amended claim 1.

**V. Conclusion**

Therefore, for at least the reasons presented above, Applicants respectfully submit that independent claims 1 and 18-20, as well as the claims depending therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner feels that there are any issues remaining which must be resolved before the application can be passed to issue, Applicants respectfully request that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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